

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN DALE ALLEN,

Plaintiff,

vs.

**Case No.: 2:17-cv-561
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

**NATIONWIDE MUTUAL
INSURANCE, et al.,**

Defendant.

ORDER

On November 2, 2017, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion to Remand be denied. (Doc. 28). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (See Doc. 30). Defendants have filed a response. (Doc. 31). Because Defendant filed objections, the Court reviews *de novo* those portions to which an objection has been made. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). *De novo* review in these circumstances requires at least a review of the evidence before the magistrate judge; the Court may not act solely on the basis of a magistrate judge's report and recommendation. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

Plaintiff objects to the Magistrate Judge's denial of his motion to remand, asserting the same arguments already considered by the Magistrate Judge, that all parties are citizens of Ohio and therefore there is no federal jurisdiction.

The Court has considered Plaintiff's objection and agrees with the well-reasoned decision of the Magistrate Judge that federal jurisdiction was proper at the time Defendants removed this case. Accordingly, the Magistrate Judge has not erred in the decision denying Plaintiff's Motion to Remand.

For the reasons stated above, the Magistrate Judge's *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. Plaintiff's Motion to Remand is **DENIED**.

The Clerk shall remove Documents 11, 20, 25, 27, and 28 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT